

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

ROBERT ERIC WARREN	§	
v.	§	CIVIL ACTION NO. 6:05cv134
LONNY SIMS, ET AL.	§	

MEMORANDUM OPINION AND ORDER OF DISMISSAL

The Plaintiff Robert Warren, proceeding *pro se*, filed this civil rights action under 42 U.S.C. §1983 complaining of alleged violations of his constitutional rights. The lawsuit was referred to the undersigned United States Magistrate Judge pursuant to 28 U.S.C §636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges.

On November 11, 2005, Warren filed a motion asking that his lawsuit be dismissed with prejudice for the reason that all matters in controversy have been compromised and settled. Rule 41(a), Fed. R. Civ. P., permits plaintiffs to dismiss their actions without need for leave of court by either filing a notice of dismissal prior to service of a responsive pleading or by filing a stipulation of dismissal signed by all parties. Rule 41(a)(2), Fed. R. Civ. P., states that except as provided in Rule 41(a)(1), an action shall not be dismissed at the plaintiff's instance except upon order of court and upon such terms as the court deems proper.

In this case, Warren has asked that his lawsuit be dismissed. I have considered this request and have determined that it is meritorious. It is accordingly

ORDERED that the above-styled civil action be and hereby is DISMISSED with prejudice on the motion of the Plaintiff. It is further

ORDERED that any and all motions which may be pending in this cause of action are hereby DENIED.

So **ORDERED** and **SIGNED** this **15** day of **November, 2005**.


JUDITH K. GUTHRIE
UNITED STATES MAGISTRATE JUDGE